# 1

#### Text: The United States executive branch should restrict it’s ability to introduce nuclear weapons forces first into hostilities.

#### Executive Orders alter policy quickly to employ flexibility and avoid the legislative process

Barilleaux and Kelley 2010 [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. 80, 2010// wyo-sc]

An executive order is one of several unilateral tools presidents may use to carry out their policy objectives. Executive orders direct executive branch officers to "take an action, stop a certain type of activity, alter policy, change management practices, or accept a delegation of authority under which they will henceforth be responsible for the implementation of law."19 Presidents have come to favor the use of executive orders because they provide speed and flexibility and bypass the complicated legislative process, particularly when it appears Congress may be hostile to a president's goals. In *Wilcox v. Jackson* the Supreme Court affirmed that presidents may issue orders through department heads.20 These orders will have the same legal effect as if the president had issued them personally.21 The preamble of a typical modern executive order explains the constitutional and statutory authority of the president to issue the order, and the body of the order explains the actions to be taken or policy changes to be made. Most of the significant developments in presidential regulator review have been initiated by executive orders. (Unless otherwise spec fied, none of the regulatory review orders discussed in this chapter was based on anything besides the authority vested by the Constitution in the president and a general reference to statutes of the United States.2 )

# 2

### 1NC- Prez Powers

**Obama has built a solid basis for expanded Executive authority by pushing statutory and judicial limitations – Syria continues the trend**

Gordon **Silverstein**, Assistant Dean and Lecturer in Law at Yale Law School, and author of Law’s Allure: How Law Shapes, Constrains, Saves and Kills Politics, “Obama Just Increased Executive Power—Again,” New Republic, **9/4**/2013

Bush-Cheney Administration alumni have risen from the ashes to denounce President Obama’s decision to force Congress to play its constitutional role in a decision to use military force in Syria. It is, they insist, yet another surrender of power by a feckless President presiding over the degradation of the Executive Branch itself, the empowerment of which was one of their central goals.¶ This is wrong on two dimensions: First, despite their aggressive efforts, **the Bush-Cheney administration left the Presidency weaker, and not stronger. And** second, far from degrading the power of the Executive, the **Obama** administration **has steadily, and significantly built up and exploited presidential power.¶** While it is too early to know if **Obama’s Syrian plan will continue this** trend, there are powerful reasons to think it will.¶ **The Bush-Cheney administration** famously asserted that when it came to foreign policy and national security, the President possessed nearly unlimited, autonomous, and unreviewable power. They insisted that the President could seize and hold prisoners at Guantanamo Bay; that the President alone could decide what and how much due process they were entitled to seek and that together with Congress, they could deny the independent federal courts, the third branch of government, the right to review their decisions. And they declared that the administration had the authority to redefine the meaning of torture.¶ All these **claims** and more were built on novel and poorly supported constitutional theories. **When** they were **challenged in Court, far from** enshrining the administration’s and **permanently shifting formal power to the Executive branch, these theories and claims were rejected, and** what had once been ambiguous and contested questions about **the allocation of power was settled, not by assigning it to the Executive but**, in fact, **by ruling that it belonged exclusively to Congress.¶** Jack Goldsmith, the head of the Office of Legal Counsel in the Bush-Cheney Justice Department, would later write that the administration advanced broad and unsupportable claims and arguments because “the President and Vice President wanted to leave the presidency stronger than they found it.” But, he concludes, “the approach they took achieved exactly the opposite effect. The central irony is that **people whose explicit goal was to expand presidential power have diminished it.”¶** Consider: In 2004 the Supreme Court ruled that the Executive could not independently order the detention of prisoners at Guantanamo, but could do so in this case because Congress had implicitly delegated this power to the President through the very open-ended language of the 2001 Authorization for the Use of Military Force. This was, in short, a power that now explicitly was assigned to Congress.¶ 2004 also was the year in which Goldsmith had to repudiate and withdraw a series of legal opinions his office had released—many authored by John Yoo—including the infamous memos ostensibly offering a legal rationale for the use of torture in interrogations.¶ The Bush-Cheney legal dream team failed again in 2006 in Hamdan v. Rumsfeld when the Supreme Court rejected their assertion that those same detainees could be tried by military commissions established by Executive Order. Commissions were possible, the Court ruled, but only if they were the produce of explicit congressional authorization. Another win for Congress. Another loss for fans of Executive prerogative.¶ But this dance was far from over. In Boumediene v. Bush in 2008, Justice Anthony Kennedy delivered a stinging blow to the Bush-Cheney project, ruling that prisoners at Guantanamo Bay had the right to file petitions for habeas corpus; that Congress and Congress alone could suspend habeas, but had to do so explicitly and could not simply forbid the Courts from hearing these appeals. A question that had been left in some shroud of ambiguity since Lincoln suspended the Great Writ in the Civil War was now clear: The power belongs to Congress alone.¶ John Yoo, one of the Bush-Cheney administration’s leading lawyers, realized in 2006 that the **Supreme Court would** actually **be a major barrier on their path to the constitutional fortification of Executive power.¶** After the Court handed the administration a defeat in the military commissions decision in Hamdan v. Rumsfeld, Yoo told the New York Times that the Justices were “attempting to suppress creative thinking.” The 2006 Hamdan decision, Yoo said, could undercut the entire legal edifice that had been built by the Bush lawyers.¶ What Yoo failed to acknowledge then (and fails to acknowledge even now) is that it was the Bush-Cheney overreach, their “creativity,” that had pressed even a conservative and friendly Supreme Court to undercut the administration’s claims to power, leaving the Executive weaker than it had been when Bush and Cheney walked into the White House in January 2001.¶ And Obama? While the Bush claims actually eroded and undercut Executive power which had built up steadily since World War II, it was the administration of Barack **Obama** that actually, quietly, **efficiently and with unerring focus has expanded, embedded and solidified Executive power.** And it has done so not by making “creative” constitutional claims, but instead **by steadily (and aggressively) building and exercising Executive power**—but doing so **by pressing existing statutes and judicial rulings, rather than unsupportable constitutional theories.**¶ **Turning to Congress now for formal authorization** to use military force **in Syria could** well be another example of this effort—and it may yet **have the same effect.¶** As I wrote in 2009, less than six months into the new administration, **in areas ranging from** the assertion of **the State Secrets privilege** in efforts **to** shut down lawsuits over warrantless **wiretapping and** extraordinary **rendition to** those concerning lawsuits over **detention and treatment in Guantanamo, and** the reach of habeas corpus to **Bagram** Air Force Base in Afghanistan, **Obama’s legal team was building up a far more impressive, far stronger and far more difficult to reverse set of precedents—winning in court after court—a trend that has continued ever since, including memos defending the legality of drone strikes** targeting U.S. citizens, **and** the sweeping authority for the **electronic surveillance** among many others. **Even** in their defense of **the use of force for limited strikes in Libya**, the Obama administration seemed to state that Congress must have a role in major military actions.¶ **These are aggressive claims. They are significant. They are new assertions of power—but they rest** far more squarely **on statutes, statutory interpretation and interpretations of judicial rulings than** did the military rationale offered by **Bush and Cheney**.¶ So—we have two models. The Bush-Cheney model, full of sound and fury which ultimately left the Executive branch weaker and not stronger, and the Obama model, which builds its case for executive power on the back of statutory authorization and judicial rulings.¶ And so, what are we to make of Obama’s decision to force Congress to play a role in a decision to use military force in Syria? Are the Bush apologists right? Is this—though a very difficult needle to thread—of a piece with Obama’s successful efforts to build executive power on a vastly firmer foundation than the constitutional “creativity” of the Bush legal team?¶ It may be, and here’s why:¶ Presidents in the modern era have turned to Congress for a fig-leaf of authorization before—in the 1964 Tonkin Gulf Resolution, or the 2001 Authorization for the Use of Military Force. But these were passed in the shadow of what was perceived to be a genuine emergency. There was no time for deliberation, no time to inspect the evidence. A vote for these authorizations was one that was all too easy for a regretful Congress to abandon as the wars they had ostensibly authorized dragged on and on.¶ This time there is time. Despite withering criticism from the Bush-Cheney apologists, Obama refused to call Congress back for an emergency session. Rather than giving them just hours to support the Commander in Chief in time of crisis, he has assured the nation that the military is confident that a few weeks will make no difference in our ability to achieve our military objectives.¶ A yes vote under this scenario means Congress fully shares the ownership of this policy (and its results). It means that whatever horror comes next in the Middle East, America’s policy there will be just that—America’s policy: The product of Congress acting together with the President, under the traditional rules and process laid out by the U.S. Constitution.¶ And if Congress votes no? Then we have one of two scenarios: The blame for the next atrocity, or the next deployment of chemical weapons in the Middle East or elsewhere is as much their heavy burden as it is Obama’s or, to prevent that, Congress will be compelled to actually deal with a serious policy issue and not simply vote a few dozen more times to repeal Obamacare.¶ **Turning to Congress in this fashion is** very much **in Obama’s self-interest**. But is also **in the national interest, and** quite possibly in **the best interest of those concerned about** preserving and **enhancing Executive power. Future Presidents** who will no doubt face complicated and risky security challenges, **will require the full force of a nation united behind them and** may now be more willing to **follow the precedent Obama has set**.

#### Congressional restrictions on presidential war power prevent the presidency from responding to crises

Turner 2012

[Professor Turner holds both professional and academic doctorates from the University of Virginia School of Law, where in 1981 he co-founded the Center for National Security Law with Professor John Norton Moore—who taught the nation’s first course on national security law in 1969. Turner served as chairman of the ABA Standing Committee on Law and National Security from 1989–1992., The War Powers Resolution at 40: Still an Unconstitutional, Unnecessary, and Unwise Fraud That Contributed CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, Directly to the 9/11 Attacks, <http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.pdf>, uwyo//amp]

The 1973 War Powers Resolution was a fraud upon the American people, portrayed as a legislative fix to the problem of “imperial presidents” taking America to war in Korea and Vietnam without public approval or the constitutionally required legislative sanction. By its own terms, the War Powers Resolution would not have stopped the Vietnam War. Sadly, this and other legislative intrusions upon the constitutional authority of the president contributed to the loss of millions of lives in places like Cambodia, Afghanistan, Angola, and Central America. The statute played a clear role in encouraging the terrorist attack that killed 241 Marines in 1983, and equally clearly encouraged Osama bin Laden to kill thousands of Americans on September 11, 2001. Similarly unconstitutional usurpations of presidential power prevented our Intelligence Community from preventing those attacks and dissuaded a key ally from sharing sensitive information that might also have prevented them. After forty years, the time has come to bring an end to this congressional lawbreaking.

#### Presidential power is zero-sum- the branches compete

Barilleaux and Kelley 2010 [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. P 196-197, 2010// wyo-sc]

In their book *The Broken Branch,* Mann and Ornstein paint a different view. They discuss a wider range of public policy areas than just uses of force. Their argument is that although party is important as a conditioning factor for times when Congress might try to restrain an aggressive or noncompliant executive, there has also been a broader degrading of institutional power that has allowed, in a zero-sum context, the president to expand executive power at the expense of Congress. Mann and Ornstein thus posit that congressional willingness to subordinate its collective power to that of the president has occurred across domestic politics and foreign affairs. They argue that a variety of factors are at fault for this trend, including the loss of institutional identity, the willingness to abdicate responsibility to the president, the demise of "regular order," and most importantly that Congress has lost its one key advantage as a legislative body—the decay of the deliberative process. Thus, they do recognize that party politics has played an important role in the degrading of congressional power, but they see a larger dynamic at work, one that reaches beyond partisanship. While we agree with Howell and Pevehouse that Congress retains important mechanisms for constraining the president, we tend to agree with the Mann and Ornstein view that there has been a significant and sustained decline in Congress's willingness to use these mechanisms to challenge presidential power. This tendency has been more prevalent in foreign affairs but has occurred noticeably across the spectrum of public policy issues. Building from both of those perspectives, and others, we argue that it is helpful to understand the pattern of congressional complicity in the rise of presidential power by viewing Congress's aiding and abetting as the logical outcomes of a collective action problem.31 By constitutional design, the legislative branch is in competition with the president for institutional power, yet Congress is less than ideally suited for such a political conflict. Congress's comparative disadvantage begins with its 535 "interests" that are very rarely aligned, and if so, only momentarily. Because individual reelection overshadows all other goals, members of Congress naturally seek to take as much credit and avoid as much blame from their constituencies as possible.32 The dilemma this creates for members is how to use or delegate its collective powers in order to maximize credit and minimize blame in the making of public policy. Congress can choose to delegate power internally to committees and party leaders or externally to the executive branch. One can conceptualize the strategic situation of members of Congress in terms of a prisoner's dilemma.33 If members cooperate (that is, in Mann and Ornstein's parlance, if members identify with the institution), they could maintain and advance Congress's institutional power. But they would have to bypass some potential individual payoffs that could come from defection, such as "running against Congress" as an electoral strategy. A stronger institution should make all members of Congress better off, but it also makes them responsible for policymaking. If members defect from the institution, they thus seek to maximize constituency interests either by simply allowing power to fall by the wayside or by simply delegating it to the president. As more and more members choose to defect over time, the "public good" of a strong Congress is not provided for or maintained—and Congress's institutional authority erodes and presidential power fills in the gap. Why, in other words, is congressional activism so often "less than meets the eye," as Barbara Hinckley maintained in her book by that title? Or why has the ''culture of deference" that Stephen Weissman identified developed as it has?34 We argue that the collective action problem that exists in Congress leads to the development of these trends away from meaningful congressional stewardship of foreign policy and spending.

#### Strong executive key to solve climate change-lack of congressional action prevents solvency in the squo and executive negotiating power key to check environmental and economic collapse

Wold 2012

[Chris Wold, Professor of Law & Director, International Environmental Law Project

(IELP), 2012, Lewis & Clark Law School, 2012, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, uwyo//amp]

In 2007, then-Senator Barack Obama wrote, “As the world’s largest producer of greenhouse gases, America has the responsibility to lead.”1 As President, he has led. At the domestic level, working primarily through the Environmental Protection Agency, President Obama has increased fuel economy standards,2 imposed new limits ongreenhouse gas emissions from “major emitting facilities,”3 and imposed limits on emissions relating to the development of oil and gas,4 among many other things.5 As he has said, he must use his executive power because “We Can’t Wait” for Congress to act on climate change.6 Nonetheless, he must do more. President Obama has pledged to the international community that the United States will reduce its greenhouse gases by 17% of 2005 levels by 2020 and by 83% by 2050.7The President has also set a goal of ensuring that “[b]y 2035 we will generate 80 percent of our electricity from a diverse set of clean energy sources—including renewable energy sources like wind, solar, biomass, and hydropower; nuclear power; efficient natural gas; and clean coal.”8 None of his actions come close to meeting these goals. Moreover, he must do more to help the international community reach its goal of keeping average global temperatures from increasing 2°C above pre-industrial levels.9 Many scientists argue that the 2°C goal can be met, and the worst impacts of climate change avoided, if we keep carbon dioxide concentrations below 350 parts per million (ppm).10 As of July 2012, atmospheric concentrations of carbon dioxide exceeded 394 ppm.11 The United States is by far the largest historic contributor to these high levels of atmospheric carbon dioxide, having contributed 28.52% of carbon dioxide from energy.12 As such, the United States must do much more to ensure that the world’s largest historic emitter of greenhouse gases fulfills its moral and perhaps legal obligation to reduce greenhouse gases before we reach climate change tipping points beyond which climate change will be irreversible for millennia to come.And indeed, President Obama can do much more. As described below, the president can use his foreign affairs power to take a more positive role on the international stage, whether that stage is the climate change negotiations, the negotiations concerning other international treaties, or within the World Trade Organization. He can also do more with his executive power, not only by increasing existing standards but also by applying them to existing sources of greenhouse gases, not just new sources. Further, President Obama has so far failed to take advantage of strategies to mitigate emissions of short-term climate forcers such as black carbon that could provide significant climate benefits. Lastly, the approaches adopted so far have not pushed regulated entities or others to develop the transformative technologies that will be needed to deliver sufficient climate change benefits to avert the environmental and economic crisis that lies ahead if we fail to take more aggressive action.

**Studies show warming is human caused and will cause extinction**

**Ahmed 2010**

(Nafeez Ahmed, Executive Director of the Institute for Policy Research and Development, professor of International Relations and globalization at Brunel University and the University of Sussex, Spring/Summer 2010, “Globalizing Insecurity: The Convergence of Interdependent Ecological, Energy, and Economic Crises,” Spotlight on Security, Volume 5, Issue 2, online)

Perhaps **the most notorious indicator is anthropogenic global warming**. **The landmark** 2007 Fourth **Assessment** Report of the UN Intergovernmental Panel **on Climate Change** (IPCC) – which **warned that at then-current rates of increase of fossil fuel emissions, the earth’s global average temperature would likely rise by 6°C by the end of the 21st century** **creating a** largely **uninhabitable planet** – was a wake-up call to the international community.[v] **Despite the pretensions of ‘climate sceptics,’ the peer-reviewed scientific literature has continued to produce evidence that the IPCC’s original scenarios were wrong – not because they were too alarmist**, but on the contrary, **because they were far too conservative**. According to a paper in the Proceedings of the National Academy of Sciences, **current CO2 emissions are worse than all six scenarios contemplated by the IPCC. This implies that the IPCC’s worst-case six-degree scenario severely underestimates the most probable climate trajectory** under current rates of emissions.[vi] It is often presumed that a 2°C rise in global average temperatures under an atmospheric concentration of greenhouse gasses at 400 parts per million (ppm) constitutes a safe upper limit – **beyond which further global warming could trigger rapid and abrupt climate changes that, in turn, could tip the whole earth climate system into a process of irreversible, runaway warming.[**vii] Unfortunately, we are already well past this limit, with the level of greenhouse gasses as of mid-2005 constituting 445 ppm.[viii] Worse still, cutting-edge scientific data suggests that the safe upper limit is in fact far lower**. James Hansen**, director of the NASA Goddard Institute for Space Studies, **argues that the absolute upper limit for CO2 emissions is 350 ppm: “If the present overshoot of this target CO2 is not brief, there is a possibility of seeding irreversible catastrophic effects.**”[ix] A wealth of **scientific studies** has **attempted to explor**e the role of **positive-feedback mechanisms between different climate sub-systems**, the operation of which could intensify the warming process. **Emissions beyond 350 ppm over decades are likely to lead to the total loss of Arctic sea-ice** in the summer **triggering magnified absorption** of sun radiation, **accelerating warming**; the melting of Arctic permafrost triggering **massive methane injections** into the atmosphere, accelerating warming; the **loss of half the Amazon rainforest** triggering the momentous release of billions of tonnes of stored carbon, accelerating warming; and **increased microbial activity in the earth’s soi**l leading to further huge releases of stored carbon, accelerating warming; to name just a few. **Each of these feedback sub-systems alone is sufficient by itself to lead to irreversible, catastrophic effects that could tip the whole earth climate system over the edge**.[x] Recent studies now estimate that the **continuation of business-as-usual would lead to global warming of three to four degrees Celsius before 2060 with multiple irreversible, catastrophic impacts; and six, even as high as eight, degrees by the end of the century – a situation endangering the survival of all life on earth.[**xi]

# 3

**Obama is pushing Congress to resolve the debt ceiling – political capital is key to success**

**Pace 9/12**

Julie, AP White House correspondent, Syria debate on hold, Obama refocuses on agenda, The Fresno Bee, 9/12/13, http://www.fresnobee.com/2013/09/12/3493538/obama-seeks-to-focus-on-domestic.html

**With** a military strike against **Syria on hold**, President Barack **Obama tried** Thursday **to reignite momentum for his second-term domestic agenda. But his progress could hinge on the strength of his standing on Capitol Hill** after what even allies acknowledge were missteps in the latest foreign crisis.¶ "It is still important to recognize that we have a lot of things left to do here in this government," **Obama** told his Cabinet, **starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget** and health care rapidly approach.¶ "The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said.¶ **The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy**. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1.¶ Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities.¶ Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. **Polls show the economy, jobs and health care remain Americans' top concerns**. And **Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support**.¶ Obama already is grappling with some of the lowest approval ratings of his presidency. A Pew Research Center/USA Today poll out this week put his approval at 44 percent. That's down from 55 percent at the end of 2012.¶ Potential military intervention in Syria also is deeply unpopular with many Americans, with a Pew survey finding that 63 percent opposing the idea. And the president's publicly shifting positions on how to respond to a deadly chemical weapons attack in Syria also have confused many Americans and congressional lawmakers.¶ "In times of crisis, the more clarity the better," said Sen. Lindsey Graham, R-S.C., a strong supporter of U.S. intervention in Syria. "This has been confusing. For those who are inclined to support the president, it's been pretty hard to nail down what the purpose of a military strike is."¶ For a time, the Obama administration appeared to be barreling toward an imminent strike in retaliation for the Aug. 21 chemical weapons attack. But Obama made a sudden reversal and instead decided to seek congressional approval for military action.¶ Even after administration officials briefed hundreds of lawmakers on classified intelligence, there appeared to be limited backing for a use-of-force resolution on Capitol Hill. Rather than face defeat, **Obama asked lawmakers this week to postpone any votes while the U.S. explores the viability of a deal to secure Syria's chemical weapons** stockpiles.¶ **That pause comes as a relief to Obama and many Democrats eager to return to issues more in line with the public's concerns**. The most pressing matters are a Sept. 30 deadline to approve funding to keep the government open — the new fiscal year begins Oct. 1 — and the start of sign-ups for health care exchanges, a crucial element of the health care overhaul.¶ On Wednesday, a revolt by tea party conservatives forced House Republican leaders to delay a vote on a temporary spending bill written to head off a government shutdown. Several dozen staunch conservatives are seeking to couple the spending bill with a provision to derail implementation of the health care law.¶ **The White House** also **may face a fight with Republicans over raising the nation's debt ceiling this fall. While Obama has insisted he won't negotiate over the debt limit**, House Speaker John **Boehner** on Thursday **said the GOP will insist on curbing spending**.

**Presidential war powers is controversial-causes regular fights in congress**

**Cohen 11**

(Tom, CNN Wire News editor. “Debate over war powers re-emerges in Congress, courts” 7-16-11 http://www.cnn.com/2011/POLITICS/06/17/war.powers.libya/index.html//wyoccd)

Washington (CNN) -- **An endless Washington debate over the president's power to go to war has resurfaced with the NATO-led Libya military mission**, **pitting the Obama administration against House Speaker John Boehner as well as anti-war liberals in clashes threatening to stretch from Congress to the courts to the golf course.**¶ Boehner, R-Ohio, demanded more information from the White House this week on the U.S. role in the Libya mission, warning in a letter that President Barack Obama would be in violation of the War Powers Resolution of 1973 if he failed to get congressional authorization by Sunday, the 90th day since U.S. forces launched the campaign.¶ The War Powers Resolution gives the president 60 days to get congressional approval for sending U.S. forces to war, followed by a 30-day extension to end the hostilities. Boehner told reporters Thursday that if the White House fails to provide the requested information, Congress might seek to defund the military effort when it considers a defense appropriation measure next week.¶ "The ultimate option is the House, in fact, the Congress has the power of the purse," Boehner said. "And certainly that is an option as well."¶ In response to Boehner's letter, the White House sent Congress a 32-page report that asserted Obama didn't need congressional authorization because the U.S. forces play only a supporting role in Libya and don't engage in what the War Powers Resolution defined as hostilities.¶ "We're obviously not changing our mission," White House Press Secretary Jay Carney said Friday, later adding: "What we have said is that our role in this mission, our support role and the kind of engagement we have right now, does not meet, in our legal analysis, ... the threshold set by the War Powers Resolution for congressional action."¶ Meanwhile, a group of 10 House members led by liberal Democrat Dennis Kucinich of Ohio and Republican Walter Jones of North Carolina, has filed a federal lawsuit challenging Obama's power to commit U.S. forces to the Libya mission.¶ "We are intending through our presence and through this lawsuit to correct an imbalance which exists today, to correct a deficiency in the separation of powers, to correct ... and to firmly establish that Congress is a co-equal branch of government and that the founders made it unmistakably clear they did not intend for the war power to be placed in the hands of an executive," Kucinich said in announcing the lawsuit on Wednesday.¶ **The showdown comes amid an already charged political environment, with Vice President Joe Biden leading bipartisan talks aimed at getting a deficit reduction deal that can bring congressional approval to raise the federal debt ceiling.**¶ Both the War Powers issue and the deficit reduction talks are likely to come up Saturday when Obama and Biden host Boehner and Republican Gov. John Kasich of Ohio for a round of golf billed as a bonding exercise.¶ Carney said the golf outing "is meant to be an opportunity for the speaker and the president, as well as the vice president and Ohio governor, to have a conversation, to socialize in a way that so rarely happens in Washington."¶ "Obviously, I would expect they will talk about some of the very important issues that have to be dealt with by this administration and this Congress," Carney said, later adding that "it's the kind of thing the president believes is useful for the leaders in Washington to do more frequently, not the game itself, but ... to engage with each other in a non-confrontational way to sort out the business between them and the differences between them."¶ **Political wrangling over war powers is common in Washington, with presidents frequently seeking to expand their freedom to commit U.S. forces and Congress battling to exert influence on the process.**

**Failure collapses the economy – goes global and past events don’t disprove**

**Davidson 9/10**

Adam, co-founder of NPR’s “Planet Money,” Our Debt to Society, New York Times, 9/10/13, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all

**If the debt ceiling isn’t lifted** again **this fall, some serious financial decisions will have to be made**. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but **eventually the big-ticket items**, like Social Security and Medicare, **will have to be cut**. At some point, **the government won’t be able to pay interest on its bonds** and will enter what’s known as sovereign default, **the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina** (and now Greece). **In the case of the United States**, though, **it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be**, by most accounts, **the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans** (one political analyst told me it’s no more than 20) **appear willing to see what happens if the debt ceiling isn’t raised** — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, **the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government**, desperate to hold on to investment, **would then raise interest rates far higher**, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — **which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years**.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, **if the U.S. comes within shouting distance of a default** (which Auwaerter is confident won’t happen), **the world’s investors** — absent a safer alternative, given the recent fates of the euro and the yen — **might actually buy even more Treasury bonds**. Indeed, interest rates would fall and the bond markets would soar.¶ While **this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined**. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, **the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable**. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, **the U.S. would lose its unique role in the global economy**.¶ **The U.S. benefits enormously from its status as global reserve currency and safe haven**. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. **If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper**; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, **no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier**.

**Nuclear war**

**Friedberg and Schoenfeld 8**

Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>

Then **there are** the dolorous **consequences of a** potential **collapse of the world's financial architecture**. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. **Iran and North Korea are continuing on their bellicose paths**, while **Pakistan and Afghanistan are progressing** smartly **down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern**. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario **there are shades of the 1930s, when global trade** and finance **ground** nearly **to a halt,** the peaceful democracies failed to cooperate, a**nd aggressive powers led by** the remorseless **fanatics** who **rose up on the crest of economic disaster exploited their divisions**. Today we run the risk that **rogue states may** choose to **become** ever more **reckless with their nuclear toys**, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. **None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures**.

# 4

#### LINK—THE AFF FETISHIZES THE LAW AND ITS ABILITY TO RESOLVE PRESIDENTIAL POWERS, THEIR CALL RESULTS IN A RETURN TO LAW THAT DESTROYS THE POSSIBILITY FOR RADICAL POLITICS

NEOCLEOUS 2006

(Mark Neocleous, Politics & History @ Brunel University, “the Problem with Normality”, Alternatives, no. 31 //wyo-tjc)

To criticize the use of emergency powers in terms of a suspension of the law, then, is to make the mistake of counterpoising normality and emergency, law and violence. In separating “normal” from “emergency,” with the latter deemed “exceptional,” this approach parrots the conventional wisdom that posits normalcy and emergency as two discrete and separable phenomena. This essentially liberal paradigm assumes that there is such a thing as “normal” order governed by rules, and that the emergency constitutes an “exception” to this normality. “Normal” here equates with the separation of powers, entrenched civil liberties, an ongoing debate about public policy and law, and the rule of law, while “emergencies” are thought to require strong executive rule, little time for discussion, and are premised on the supposedly necessary suspension of the law and thus the discretion to suspend key liberties and rights. But this rests on two deeply ideological assumptions: first, the assumption that emergency rule is aberrational; and, second, an equation of the emergency/nonemergency dichotomy with a distinction between constitutional and nonconstitutional action. Thus liberalism seeks to separate emergency rule from the normal constitutional order, thereby preserving the Constitution in its pristine form while providing the executive with the power to act in an emergency.47 But the historical evidence suggests that emergency powers are far from exceptional; rather, they are an ongoing aspect of normal political rule. Emergency, in this sense, is what emerges from the rule of law when violence needs to be exercised and the limits of the rule of law overcome. The genealogy of “emergency” is instructive here. “Emergency” has its roots in the idea of “emerge.” The Oxford English Dictionary suggests that “emerge” connotes “the rising of a submerged body out of the water” and “the process of coming forth, issuing from concealment, obscurity, or confinement.” Both these meanings of “emerge” were once part of the meaning of “emergency,” but the first is now rare and the second obsolete. Instead, the modern meaning of “emergency” has come to the fore, namely a sudden or unexpected occurrence demanding urgent action and, politically speaking, the term used to describe a condition close to war in which the normal constitution might be suspended. But what this tells us is that in “emergency” lies the idea of something coming out of concealment or issuing from confinement by certain events. This is why “emergency” is a better category than exception: Where “emergency” has this sense of “emergent,” exception instead implies a sense of ex capere, that is, of being taken outside. Far from being outside the rule of law, emergency powers emerge from within it. They are thus as important as the rule of law to the political management of the modern state. There is, however, an even wider argument to be made. The idea that the permanent emergency involves a suspension of the law encourages the idea that resistance must involve a return to legality, a return to the normal mode of governing through the rule of law. But this involves a serious misjudgment in which it is simply assumed that legal procedures, both international and domestic, are designed to protect human rights from state violence. Law itself comes to appear largely unproblematic. What this amounts to is what I have elsewhere called a form of legal fetishism, in which law becomes a universal answer to the problems posed by power. Law is treated as an independent or autonomous reality, explained according to its own dynamics. This produces the illusion that law has a life of its own, abstracting the rule of law from its origins in class domination and oppression and obscuring the ideological mystification of these processes in the liberal trumpeting of the rule of law.48 To demand the return to the “rule of law” is to seriously misread the history of the relation between the rule of law and emergency powers and, consequently, to get sucked into a less-than-radical politics in dealing with state violence. Part of what I am suggesting is that emergency measures, as state violence, are part of the everyday exercise of powers, working alongside and from within rather than against the rule of law, as part of a unified political strategy in the fabrication of social order.

#### SOCIETY HAS BEEN REPEATEDLY CONFOUNDED AT THE FAILURE OF LAW TO CONTAIN VIOLENCE—WE SEE LAW AS A ‘LESSER EVIL’ THAT IS NECESSARY TO HUMANIZE WAR. LAWS OF WAR LEGITIMIZE AND PROTECT STATIST FORMS OF VIOLENCE AND CRUSH DISSENT

BERMAN (Prof of Law at Brooklyn Law School) 2004

[Nathaniel, “Privleging Combat?”, Columbia Journal of Transnational Law, p. ln //wyo-tjc]

**Through examining the legal doctrines crucial to defining the combatants' privilege**, in my view the key concept of jus in bello, **this Article seeks to undo the circumlocutions that often block frank discussion of the relationship of law to war. Contrary to conventional wisdom**, I argue that **it is misleading to see law's relationship to war as primarily one of the limitation of organized violence, and even more misleading to see the laws of war as historically progressing toward an ever-greater** **limitation of violence. n6 Instead**, I put forward three central propositions. First, **rather than standing in opposition to war, law has long been directly involved in the construction of war - the construction of war as a separate sphere of human activity in [\*5] which the "normal" rules of social life, codified, for example, in the domestic criminal law regulating violence, do not operate. n7 Rather than opposing violence, the legal construction of war n8 serves to channel violence into certain forms of activity engaged in by certain kinds of people, while excluding other forms** engaged in by other people. n9

#### The Alternative is to write against the state.

# Heg

**New great powers are rising and will soon be on par with the us—prefer our evidence because it cites the two most important indicators of a power shift**

**Layne 12**

[Chris, Professor of IR and Political Science at Texas A&M, “This Time It’s Real: The End of Unipolarity and the Pax Americana”, p. online //wyo-tjc]

**American decline is part of a broader** trend in international politics: **the shift of economic power** away from the Euro-Atlantic core **to rising great and regional powers** (what economists sometimes refer to as the ‘‘emerging market’’ nations). **Among the former are China, India, and Russia. The latter category includes Indonesia, Turkey, South Korea, Brazil, and South Africa.** **In a May 2011 report, the World Bank predicted that six countries**—China, India, Brazil, Russia, Indonesia, and South Korea—**will account for one-half of the world’s economic growth** between 2011 and 2025 (Politi 2011; Rich 2011). In some respects, of course, this emergence of new great powers is less about rise than restoration. As Figure 1 indicates, in 1700 China and India were the world’s two largest economies. From their perspective—especially Beijing’s—they are merely regaining what they view as their natural, or rightful, place in the hierarchy of great powers. **The ascent of new great powers is the strongest evidence of unipolarity’s end**. **The two most important indicators of whether new great powers are rising are relative growth rates and shares of world GDP** (Gilpin 1981; Kennedy 1987). **The evidence that the international system is rapidly becoming multipolar**—and that, consequently, America’s relative power is declining—**is now impossible to deny**, and China is Exhibit A for the shift in the world’s center of economic and geopolitical gravity. **China illustrates how, since the Cold War’s end, potential great powers have been positioning themselves to challenge the United States**.

**Multipolarity will arrive in two decades as other powers catch up to the US—transition to offshore balancing now is key to avoid unending cycles of warfare\*\***

**Layne 9**

[Christopher, Professor of Political Science at Texas A&M, Review of International Studies, “America’s Middle East grand strategy after Iraq: the moment for offshore balancing has arrived”, 2009, p. asp]

Some **primacists believe that the US is immune to being counter-balanced because**, as the only great power in a ‘unipolar’ system, **it is so much more powerful** than its nearest possible competitors.4 **Yet, recent studies by the CIA offer compelling evidence that by 2020 the era of America’s unipolar ascendancy will be drawing to a close as new poles of power** in the international system **approach the US share of world power.**5 And, of course, growing apprehensions about the military, as well as economic, implications of China’s rapid ascent are – at the very least – an implicit acknowledgment that **the days of unchallenged US dominance in world affairs are numbered**. Offshore balancers believe **the US must adjust to incipient multipolarity because** they understand that – **unless the US is prepared to fight an unending series of preventive wars – new great powers inevitably will emerge in the next decade or two**.

**We outweigh- only a risk of a global nuclear war in a world of US primacy**

**Layne in 6**

[Christopher, Professor of Political Science at Texas A&M, The Peace of Illusions: American Grand Strategy from 1940 to Present, Cornell University Press (Ithica), p. 176 //wyo-tjc]

**If we assume, just for the sake of argument, that the magnet effect was a factor leading to U.S. involvement in Eurasian wars before 1945, nuclear weapons have changed the geopolitical equation since then**. There are many imponderables about nuclear strategy. **Nuclear weapons today probably would deter war between nuclear-armed great powers in Eurasia. On the other hand, because of the stability-instability paradox** (the standoff at the strategic nuclear level makes it more thinkable for nuclear-armed great powers to fight limited, conventional wars against one another), **nuclear deterrence might allow great powers to begin wars** in the hope that they would be fought with conventional weapons only. However, in a conventional conflict between nuclear-armed great powers, the risk of escalation would be omnipresent. **Precisely because of these unknowns, American grand strategy should maximize U.S. autonomy, because the last thing the United States should want is to be caught in the cross fire of a nuclear war fought by Eurasian great powers. If the United States adopts an offshore balancing grand strategy, it simply is not the case that the United States would he sucked into a war between Eurasian great powers. A nuclear conflict in Eurasia cannot leap the Atlantic or Pacific oceans and engulf the United States unless the United States is embroiled from the outset because of its forward military presence in Eurasia. In a nuclear world, it would be irrational to risk being involved in such a conflict** for economic reasons (and, probably, **for any reason**).

**Conflict with China is inevitable unless we accept retrenchment—no amount of accommodation or good relations can avoid a hegemonic clash**

**Layne 12**

[Chris, Professor of IR and Political Science at Texas A&M, “This Time It’s Real: The End of Unipolarity and the Pax Americana”, p. online //wyo-tjc]

Revealingly, **Ikenberry** makes clear this expectation when **he says that the deal the United States should propose to China is for Washington ‘‘to accommodate a rising China** by offering it status and position within the regional order in return for Beijing’s acceptance and accommodation of Washington’s core interests, which include remaining a dominant security provider within East Asia’’ (Ikenberry 2011:356). **It is easy to see why the United States would want to cut such a deal but it is hard to see what’s in it for China. American hegemony is waning and China is ascending, and there is zero reason for China to accept this bargain** because it aims to be the hegemon in its own region. **The unfolding** Sino- American **rivalry in East Asia can be seen as an example of Dodge City syndrom**e (in American Western movies, one gunslinger says to the other: ‘‘This town ain’t big enough for both of us’’) **or as a geopolitical example of Newtonian physics (two hegemons cannot occupy the same region at the same time**). **From either perspective, the dangers should be obvious: unless the United States is willing to accept China’s ascendancy** in East (and Southeast) Asia, **Washington and Beijing are on a collision course.**

**Middle East hegemony is unraveling now—Afghanistan, collision with Iran, anti-American public sentiment and declining stability of allies**

**Layne 9**

[Christopher, Professor of Political Science at Texas A&M, Review of International Studies, “America’s Middle East grand strategy after Iraq: the moment for offshore balancing has arrived”, 2009, p. asp]

The US has reached a watershed in Iraq and the Middle East. Washington needs to revamp its overall regional grand strategy because the current strategy is in shambles. **Although the security situation in Iraq has improved since late 2006, the nation remains extremely fragile politically and its future is problematic. On the other hand, things are unravelling in Afghanistan**, where the insurgency led by the revitalised Taliban is spreading. **The US and Iran remain on a collision course** over Tehran’s nuclear weapons programme – and its larger regional ambitions. **Moreover, the summer 2006 fighting in Lebanon weakened US Middle Eastern policy** in four ways. First, **it enhanced Iran’s regional clout. Second, it intensified anti-American public opinion in the Middle East. Third, it fuelled a populist Islamic groundswell in the region** t**hat threatens to undermine America’s key Middle East allies: Egypt, Saudi Arabia, and Jordan. Fourth, American policy in the Middle East has increased the terrorist threat** to the US.

**Offshore balancing solves for terrorism and Iranian proliferation**

**Mearsheimer 8**

[John J., professor of political science at the University of Chicago, NEWSWEEK, “Know the limits of US power”, Dec. 8, 2008, p. asp]

**Offshore balancing is nothing new: the United States pursued such a strategy in the Middle East quite successfully during much of the Cold War**. America helped Iraq contain revolutionary Iran in the 1980s. Then, when Iraq's conquest of Kuwait in 1990 threatened to tilt things in Baghdad's favor, the United States assembled a multinational coalition to smash Saddam Hussein's military machine. **The strategy has three particular virtues. First, it would significantly reduce the chances that we would get involved in another bloody and costly war like Iraq. America doesn't need to control the Middle East with its own forc**es; it merely needs to ensure that no other country does. **Second, offshore balancing would ameliorate America's terrorism problem. Foreign occupiers generate fierce resentment. Keeping America's military forces out of sight would minimize the anger created by having them stationed on Arab soil. Third, offshore balancing would reduce fears in Iran and Syria that the United States aims to attack them and remove their regimes--a key reason these states are currently seeking weapons of mass destruction.** **Persuading Tehran to abandon its nuclear program will require Washington to address Iran's legitimate security concerns and to refrain from overt threats**.

**Middle East hegemony sparks Saudi coup, crippling oil production and destroying the global economy**

**Layne 9**

[Christopher, Professor of Political Science at Texas A&M, Review of International Studies, “America’s Middle East grand strategy after Iraq: the moment for offshore balancing has arrived”, 2009, p. asp]

There is a wild card, however: Saudi Arabia, which is the world’s largest oil producer, and also has the largest proven oil reserves. **If, in the future, a hostile Saudi regime imposed an embargo, or cut back drastically on production, it would be difficult for the market to adjust because other oil producers do not have the capacity** to replace lost Saudi Arabian oil. **A major long-term interruption** of oil exports from Saudi Arabia **would cause real economic damage** to the US and the other industrialised nations (although, over time, it would cause the US and the other industrialised nations to develop alternate energy sources that now are untapped because they cost more than oil). **Given the political unrest percolating just below the surface in Saudi Arabia, it is a good bet** that in coming years, the **Saud Monarchy will lose its grip on power. However, America’s forward military presence** in the Gulf **does not offer a real solution** to the possibility of a hostile regime coming to power in Saudi Arabia. Indeed, **the US military presence in the region serves to make things worse rather than better in this regard, because it is a lightening-rod for Islamic fundamentalists like Osama bin-Laden and Al-Qaeda. The American invasion of Iraq, and** subsequent **occupation, have exacerbated the problem**.

**Extend the piece of Friedberg and Schoenfeld 8 from debt ceiling**

**Economically unsustainable—federal deficits, entitlement crises, debt-to-gdp ratio all ensure the loss of the dollar’s reserve currency status**

**Layne 12**

[Chris, Professor of IR and Political Science at Texas A&M, “This Time It’s Real: The End of Unipolarity and the Pax Americana”, p. online //wyo-tjc]

**Following the Great Recession, it has become increasingly apparent that unless dramatic measures to reign-in federal spending are implemented, by the end of this decade there will be serious questions about the United States’ ability to repay its debts** and control inflation.8 The causes of mounting US indebtedness are many. One is **the Great Recession**, which **caused** the Obama administration and **the Fed**eral Reserve **to inject a massive amount of dollars into the economy**, in the form of stimulus spending, bail-outs, **and ‘‘quantitative easing**,’’ to avert a replay of the Great Depression of the 1930s. **A longer-term cause is the mounting costs of entitlement programs** like Medicare, Social Security, and Medicaid—costs **which will escalate because of the aging of the ‘‘Baby Boomer’’ generation**. **Another factor is the cost of wars** in Iraq and Afghanistan, **which have been** financed by borrowing from abroad rather than raising taxes to pay for them. These wars have been **expensive**. Joseph Stiglitz, the Nobel laureate in economics, and his coauthor Linda Bilmess have calculated that the ultimate direct and indirect costs of the Iraq war will amount to $3 trillion (Stiglitz and Bilmiss 2008). No similar study has as yet been done of the Afghanistan war’s costs. However, the United States currently is expending about $110–120 billion annually to fight there, and fiscal considerations played a major role in the Obama administration’s decision to begin drawing down US forces in Afghanistan (Woodward 2010; Cooper 2011). **Because of the combined costs of federal government expenditures**—on stimulus, defense, Iraq and Afghanistan, and entitlements—in 2009 **the C**ongressional **B**udget **O**ffice forecast that the United States **will run unsustainable annual budget deficits of $1 trillion or more until at least the end of this decade**, and observed that, ‘‘Even if the recovery occurs as projected and the stimulus bill is allowed to expire, the country will face the highest debt ⁄GDP ratio in 50 years and an increasingly urgent and unsustainable fiscal problem’’ (CBO 2009:13). In a subsequent 2010 report, the CBO noted that if the United States stays on its current fiscal trajectory, the ratio of US government debt to GDP will be 100% by 2020 (CBO 2010**). Economists regard a 100% debt-to-GDP ratio as critical indicator that a state will default** on its financial obligations. In an even less sanguine 2011 analysis, the International Monetary Fund forecast that **the United States will hit the 100% debt-to-GDP ratio in 2016** (IMF 2011). If these estimates are correct, **over the next decade the growing US national debt**—and the budget deficits that fuel it—**could imperil the dollar by undermining foreign investors’ confidence** in the United States’ ability to repay its debts and keep inflation in check. **This is important because**, for the foreseeable future, **the United States will depend on capital inflows from abroad both to finance its deficit spending** and private consumption **and to maintain the dollar’s position as** the international economic system’s **reserve currency**.

**US presence in the Middle East incites terrorism—must drawdown presence to solve**

**Layne 9**

[Christopher, Professor of Political Science at Texas A&M, Review of International Studies, “America’s Middle East grand strategy after Iraq: the moment for offshore balancing has arrived”, 2009, p. asp]

**The US presence on the ground in the Middle East also incites terrorists to attack American interests**. In his study of suicide terrorist groups, Pape has found that ‘**what nearly all suicide terrorist attacks have in common is a specific secular and strategic goal: to compel modern democracies to withdraw military forces from territory that the terrorists consider to be their homeland’.46 Al-Qaeda fits this pattern, and one of its principal objectives ‘is the expulsion of American troops from the Persian Gulf** and the reduction of Washington’s power in the region’.47 **Here, the Bush administration’s inflexible determination to maintain a long-term American military presence in Iraq is exactly the wrong policy to reduce terrorism**.Instead of reducing American vulnerability to terrorism, the presence of US troops in Iraq and the Middle East increases it by reinforcing the widespread perception in the Islamic world that the US is pursuing a neo-colonial policy in the Middle East in furtherance of its own imperial ambitions. **The huge US politico-military footprint in the Middle East region – including Iraq – is,** along with America’s policy on the Israel/Palestinian issue, **the primary driver of Middle Eastern terrorism. The administration’s overall policy in the Middle East has inflamed anti-American sentiment, and turned the entire region into a source of recruits for various radical terrorist groups. Instead of solving this problem, staying in Iraq will exacerbate it**.

#### Terrorism causes nuclear war-

Ayson 10

Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. t may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response.

# Prolif

#### 1. Proliferation is slow, doesn’t cascade, and doesn’t cause conflict – 60 years of empirics prove

DeGarmo 2011

Denise, professor of international relations at Southern Illinois University, “Proliferation Leads to Peace” ”< http://www.policymic.com/articles/1463/nuclear-proliferation-leads-to-peace>]

Unfortunately, while **the fear of proliferation is pervasive, it is unfounded and lacks an understanding of the evidence. Nuclear proliferation has been slow**. From [1945 to 1970](http://en.wikipedia.org/wiki/List_of_states_with_nuclear_weapons), only six countries acquired nuclear weapons: United States, Russia, United Kingdom, France, China, and Israel. **Since the Nuclear Non-Proliferation Treaty came into effect in 1970, only three countries have joined the nuclear club: India, Pakistan, and North Korea. In total, only .05% of the world’s states have nuclear weapons in their possession.** Supporters of non-proliferation seem to overlook the fact that there are states currently capable of making nuclear weapons and have chosen not to construct them, which illustrates the seriousness with which states consider their entrance into the nuclear club. Included on this list are such actors as: [Japan, Argentina, Brazil, Egypt, Iran, South Korea, Taiwan, and South Africa](http://www.fas.org/irp/threat/svr_nuke.htm). The attraction of nuclear weapons is multifold. Nuclear weapons enhance the international status of states that possess them and help insecure states feel more secure. States also seek nuclear capabilities for offensive purposes. It is important to point out that **while nuclear weapons have spread very slowly, conventional weapons have proliferated exponentially across the globe. The wars of the 21st century are being fought in the peripheral regions of the globe that are undergoing conventional weapons proliferation**. What the pundits of non-proliferation forget to mention are the many lessons that are learned from the nuclear world. Nuclear weapons provide stability just as they did during the Cold War era. The fear of [Mutual Assured Destruction (MAD)](http://atomicarchive.com/History/coldwar/page15.shtml) loomed heavily on the minds of nuclear powers through out the Cold War and continues to be an important consideration for nuclear states today. States do not strike first unless they are assured of a military victory, and the probability of a military victory is diminished by fear that their actions would prompt a swift retaliation by other states. In other words, states with nuclear weapons are deterred by another state’s second-strike capabilities. During the Cold War, the United States and Soviet Union could not destroy enough of the other’s massive arsenal of nuclear weapons to make a retaliatory strike bearable. Even the prospect of a small number of nuclear weapons being placed in Cuba by the Soviets had a great deterrent effect on the United States. Nothing can be done with nuclear weapons other than to use them for deterrent purposes. **If deterrence works reliably, as it has done over the past 60 plus years, then there is less to be feared from nuclear proliferation than there is from convention warfare**.

#### 2. Alt Causes:

#### A) US conventional forces

Brown and Deutch 7 (Harold Brown, senior counselor at the Center for Strategic and International Studies, was secretary of defense in the Carter administration. John. Deutch is Institute professor of chemistry at MIT, and was director of Central Intelligence in the first Clinton administration. 11/19/7. <http://online.wsj.com/article/SB119542524645797257.html>

So long as serious political differences exist between nations and peoples, and given that the possibility of nuclear weapons exists, the U.S. should have nuclear weapons to deter potential opponents and to avoid intimidation by other states seeking a capability of weapons of mass destruction. In any case, even in the absence of overwhelming superiority in nuclear weapons, the great predominance of U.S. conventional forces would remain a strong motive for aspiring states to seek nuclear weapons.

## 2NC

**De Facto and De Jure self-binding create accountability from the courts and risk political alienation for going back on promises**

**Posner and Vermeule 2010** [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 138-139//wyo-sc]

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.59 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is "yes, at least to the same extent that a legislature can." Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.60 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future**. A president might commit himself to a long-term project of defense procurement** or infrastructure **or foreign policy**, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of selfbinding: 1. **The president might use formal means to bind himself**. This is **possible in** the sense that **an executive order**, if otherwise valid, legally binds the president while it is in effect **and may be enforced by the courts. It** **is not possible** in the sense **that the president can always repeal the executive order** **if he can bear the political and reputational costs of doing so**. 2. **The president might use informal means to bind himself**. This is not only possible but frequent and important. **Issuing an executive rule providing for the appointment of special prosecutors**, as Nixon did, **is not a formal self-binding**.61 **However**, **there may be political costs to repealing the order**. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. **Court enforcement makes the order legally binding** while it is in place, **but only political and reputational enforcement can protect it from repeal**. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it. In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. **So long as policies are deliberately chosen with a view to generating credibility**, **and** do so by **constrain**ing **the president’s** own **future choices in ways that impose** **greater costs on ill-motivated presidents** than on well-motivated ones, **it does not matter whether the constraint is formal or informal.**

**Obama’s administration can unilaterally alter our counterterrorism and national security policy**

**Thinkprogress 2013**

[ThinkProgress, May 23, 2013, National Security Brief: Obama To Transfer Gitmo Detainees, Rein In Targeted Killing Program, <http://thinkprogress.org/security/2013/05/23/2052441/obama-gitmo-targeted-killing/?mobile=nc>, uwyo//amp]

President **Obama is expected to announce in a speech outlining his administration’s refined counterterrorism policies that he will begin transferring detainees from the Guantanamo Bay prison and begin placing tighter restrictions on the targeted killing program.** “While he isn’t planning to detail how to speed up transfers from the prison,” the Wall Street Journal reported on Wednesday, “officials said **the president in coming weeks plans to lift the administration’s prohibition on sending detainees to Yemen**.” Also on Wednesday, Attorney General Eric Holder, in a letter to Congress, said **the administration has finished its counterterrorism “playbook” and** the New York Times reports that **based on that policy guidance, Obama “will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones**, countries like Pakistan, Yemen and Somalia. **The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists.” Holder said that lethal force will now only be used in cases where the suspect poses “a continuing, imminent threat to Americans” and cannot feasibly be captured**, **suggesting an end to so-called “signature strikes**” that target behavior rather than a specific person for a specific purpose.

## 1NR

#### . PC finite – opportunity cost

Hayward 12

[John, writer at Human Events. “DON’T BE GLAD THE BUFFETT RULE IS DEAD, BE ANGRY IT EVER EXISTED,” 4/17, <http://www.humanevents.com/2012/04/17/dont-be-glad-the-buffett-rule-is-dead-be-angry-it-ever-existed/>]

Toomey makes the excellent point that Obama’s class-warfare sideshow act is worse than useless, because it’s wasting America’s valuable time, even as the last fiscal sand runs through our hourglass. Politicians speak of “political capital” in selfish terms, as a pile of chips each party hoards on its side of the poker table, but in truth America has only a finite amount of political capital in total. When time and energy is wasted on pointless distractions, the capital expended---in the form of the public’s attention, and the debates they hold among themselves---cannot easily be regained. ¶ There is an “opportunity cost” associated with the debates we aren’t having, and the valid ideas we’re not considering, when our time is wasted upon nonsense that is useful only to political re-election campaigns. Health care reform is the paramount example of our time, as countless real, workable market-based reforms were obscured by the flaccid bulk of ObamaCare. The Buffett Rule, like all talk of tax increases in the shadow of outrageous government spending, likewise distracts us from the real issues.

## Prez Power DA

#### Global warming causes political and economic instability to escalate into full blown global war that would threaten human survival

Zaitchik 11

(Alexander Zaitchik is an American freelance journalist who has written for The Nation, Salon, The New Republic, The New York Observer, AlterNet, Mother Jones, Reason, The International Herald Tribune, Wired, The San Francisco Chronicle, The Believer, and Rolling Stone. “Global Warming, Global Violence” Foreign Policy in Focus. Proquest//wyoccd)

Catastrophic Convergence The collision between climate change and violence is the subject of Christian Parenti's impressive new book, Tropic of Chaos: Climate Change and the New Geography of Violence. The guiding idea is what Parenti calls the "the catastrophic convergence." By this he means something more geographically and historically targeted than a coming climate-triggered global war. Chaos focuses on a handful of developing countries where the author says climate change is amplifying previous crises with roots in the more climatically stable 20th-century. In this "belt of economically and politically battered post-colonial states girding the planet's mid-lattitudes," writes Parenti, "the current and impending dislocations of climate change intersect with the already-existing crises of poverty and violence... one expressing itself through the other. The prior traumas that set the stage for bad adaptation are Cold War-era militarism and the economic pathologies of neoliberal capitalism." If Naomi Klein, Mike Davis, and James Howard Kunstler had teamed up to write a book, the result would read something like Tropic of Chaos. And indeed Parenti may owe a debt to the subtitle to Kunstler's 2006 book, The Long Emergency: Surviving the End of Oil, Climate Change, and Other Converging Catastrophes of the Twenty-First Century. But Parenti's biggest intellectual debt is to the governments and militaries that have for the better part of a decade been gaming the effects of climate change on global order. Parenti credits the idea of a "Tropic of Chaos" to a 2008 Swedish government study that examined a similar grouping of states "in which the effects of climate change interacting with economic, social, and political problems will create a high-risk of violent conflict." If the Swedes study this interaction through the prism of peacekeeping and humanitarianism, the Pentagon views it through the cross-hairs of imperial management. Congressional Republicans may mock the idea of man-made climate change, but the Pentagon brass has long understood runaway carbon emissions as the ultimate "threat multiplier." Early in the book, Parenti reviews the most important British and U.S. military documents, most dating to the mid-naughts, which discuss climate change in strategic terms. Among the earliest and most influential of these was a 2004 Pentagon-commissioned study stressing the likelihood that climate change would unfold in a non-linear way. The dark report laid out a future scenario in which "disruption and conflict will be endemic features of life. Once again, warfare would define human life." The Pentagon understands that its role is not to help avoid this fate by pushing for a de-carbonized economy but to deal with this future the only way it knows how: with razor wire and counterinsurgency. Parenti argues that the political failures of the last century - and of today - position humanity for a return to authoritarian-flavored "exclusionary tribalism" given form by the apparatus of the modern police state. Given the already venomous commentary heard on AM talk radio and Fox News, Parenti is merely stating the obvious in warning that we face a crisis of democracy as well as of climate. Barring a transition toward a greener, more equitable global economy, adaptation will not have a human face but will instead arrive in the form of a neo-fascist surveillance-security state. This future, writes Parenti, will be brought to us care of "parasitic forces that have begun to shape adaptation as the militarized management of civilization's violent disintegration." An unmanageable explosion in climate refugees, the first stirrings of which have begun, will drive the process. In the context of up to a billion climate refugees, "the border becomes a text from which to read the future-or a version of it. Here we see how the catastrophic convergence creates both state failure in the Global South and authoritarian state hardening in the Global North... Drought and flood in Mexico and Central America are expressed [as] ICE detention centers. As the planet warms the political tumors of American authoritarianism, our current repression of immigrants, will metastasize."

#### B) Turns Prolif- Strong executive key to respond to proliferation- oversight short-circuits flexibility

Yoo 2012

[John C. Yoo is a professor of law at the University of California at Berkeley School of Law , February 2012, War powers belong to the president, ABA Journal. 98.2 (Feb. 2012): p34, Academic OneFile, uwyo//amp]

A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy. The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### C) Turns Nuke terror- Constrained executive makes it impossible to respond to the rapid and existential nature of the threat posed by terrorism

Royal 2011

[John Paul, Fellow of the Institute for World Politics, 2011, War Powers and the Age of Terrorism, <http://www.thepresidency.org/storage/Fellows2011/Royal-_Final_Paper.pdf>, uwyo//amp]

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction developed organically or obtained from rogue regimes, presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. In the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. Because large states were more powerful, they also had more to lose. They could be deterred" (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, we know that threats can emerge quickly. Terrorist organizations half-way around the world are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats and the resultant changes to the international system, peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attack on the United States. In the emerging security environment described above, pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond, as we approach the tenth anniversary of the September 11, 2001 attacks. Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States. We know from the 9/11 Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials” (National Commission 2004, 397). Considering these statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests. These nations were not necessarily a direct threat to the United States in the past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interests both at home and abroad. Combating these threats are the “top national security priority for the United States…with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission, authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

#### Flexible presidency key to OCO

Munoz 12

[Carlo Munoz, writer for The Hill, 11/14/12, Obama authorizes new cyber warfare directive, [http://thehill.com/blogs/defcon-hill/policy-and-strategy/267879-report-obama-authorizes-new-cyber-warfare-directive//](http://thehill.com/blogs/defcon-hill/policy-and-strategy/267879-report-obama-authorizes-new-cyber-warfare-directive/), uwyo//amp]

Specifically, the new presidential directive differentiates between network defense capabilities and other so-called "cyber operations" which address DOD's recently disclosed offensive capabilities in the digital realm. “What [the directive] does, really for the first time, is it explicitly talks about how we will use cyber operations,” a senior White House official told the Post on Wednesday. “Network defense is what you’re doing inside your own networks. ... Cyber operations is stuff outside that space," the official added. The Pentagon in October acknowledged that U.S. military forces are able to carry out preemptive or retaliatory acts of cyber warfare. "Our mission is to defend this nation. We defend. We deter. And if called upon, we take decisive action," Defense Secretary Leon Panetta said during his keynote address to the Business Executives For National Security conference in New York. "If a crippling cyber attack were launched against our nation, the American people must be defended," he said. "And if the commander in chief orders a response, the Defense Department must be ready to act." The senior administration official said the directive signed by Obama would enable the administration to be “flexible” in dealing with cyber threats. “It continues to be our policy that we shall undertake the least action necessary to mitigate threats and that we will prioritize network defense and law enforcement as the preferred courses of action.”

**Grid attacks causes retaliation and nuclear war**

**Tilford 12** Robert, Graduate US Army Airborne School, Ft. Benning, Georgia, “Cyber attackers could shut down the electric grid for the entire east coast” 2012, <http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa>

To make matters worse a cyber attack that can take out a civilian power grid, for example could also cripple the U.S. military.¶ The senator notes that is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power “every military base in our country.”¶ “Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out”, he said.¶ Which means military **command and control centers could go dark**.¶ Radar systems that detect air threats to our country **would shut Down completely**.¶ “Communication between commanders and their troops would also go silent. And many weapons systems would be left without either fuel or electric power”, said Senator Grassley.¶ “So in a few short hours or days, the mightiest military in the world would be left scrambling to maintain base functions”, he said.¶ We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real.¶ Top national security officials—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— have said, “preventing a cyber attack and improving the nation’s electric grids is among the most urgent priorities of our country” (source: Congressional Record).¶ So how serious is the Pentagon taking all this?¶ Enough to start, or end a war over it, for sure (see video: Pentagon declares war on cyber attacks http://www.youtube.com/watch?v=\_kVQrp\_D0kY&feature=relmfu ).¶ A cyber attack today against the US could very well be seen as an “Act of War” and could be met with a “full scale” US military response.¶ That could include the use **of “nuclear weapons**”, if authorized by the President.

#### Entire ecosystems are unlikely to be able to adapt

IPCC ‘01

[Habiba Gitay et al. (nqa) Third Assessment Report, Climate Change 2001: Working Group II: Impacts, Mitigation and Adaptation, Chapter 5: Ecosystems and Their Goods and Services, www.grida.no/climate/ipcc\_tar/wg2/pdf/TARchap5.pdf, p. 248]

There are two paradigms about the way ecosystems (thus biomes) will respond to global change. The ecosystem movement paradigm assumes that ecosystems will migrate relatively intact to new locations that are closer analogs to their current climate and environment. This paradigm clearly is a gross simplification of what will actually happen, but it has the advantage that the well-demonstrated relationship between ecosystem range and existing climate can be used to project new ecosystem distributions under changed climate scenarios. Basic ecological knowledge suggests that the ecosystem movement paradigm is most unlikely to occur in reality because of different climatic tolerances of species involved, including intra-species genetic variability (Crawford, 1993); different longevities, including clonal regeneration (e.g. survival over 2,000 years by Carex Curvala; Steinger et al., 1996); different migration abilities (Pietelka and Plant Migration Workshop Group, 1997); and the effects of invading species (Dukes and Mooney, 1999). It is an idealized working paradigm that is useful for screening scenarios of climate change for potential significant effects.

#### Species can’t adapt to rapid warming

IPCC ‘01

[Habiba Gitay et al. (nqa) Third Assessment Report, Climate Change 2001: Working Group II: Impacts, Mitigation and Adaptation, Chapter 5: Ecosystems and Their Goods and Services, www.grida.no/climate/ipcc\_tar/wg2/pdf/TARchap5.pdf, p. 273]

Climate and climate change are strong drivers of biotic systems. The distribution and survival of most species are moderated by climate (Root, 1988 a,b,c,; Martin, 1998; Duellman, 1999). Although species have responded to climatic changes throughout evolutionary time (Harris, 1993), the primary concern today is the projected rapid rate of change. High species richness appears to be related to stable conditions, abrupt impoverishments of species has occurred during times of rapid change (Tambussi et al, 1993).

#### Mass expansion-DADT repeal, Women in combat repeal, DREAMER’s order, drone strikes

Roussey 2013

[February 10th, 2013, Obama's Commandments: How the president is wielding executive power in 2nd term, <http://www.wjla.com/articles/2013/02/obama-s-commandments-how-the-president-is-wielding-executive-power-in-2nd-term-85070.html#ixzz2alLaj29S>, uwyo//amp]

Regulations give teeth and specificity to laws are essential to their functioning even as they create bureaucratic bloat. Congress-skirting executive orders and similar presidential directives are less numerous and generally have less reach than laws. But every president uses them and often tests how far they can go, especially in times of war and other crises. President Harry Truman signed an executive order in 1952 directing the Commerce Department to take over the steel industry to ensure U.S. troops fighting in Korea were kept supplied with weapons and ammunition. The Supreme Court struck it down. Other significant actions have stood. President Franklin D. Roosevelt issued an order in February 1942 to relocate more than 110,000 Japanese-Americans living on the West Coast to internment camps after Japan's attack on the Pearl Harbor naval base. Decades later, Congress passed legislation apologizing and providing $20,000 to each person who was interned. After the terrorist attacks of Sept. 11, 2001, President George W. Bush approved a series of executive orders that created an office of homeland security, froze the assets in U.S. banks linked to al-Qaida and other terrorist groups, and authorized the military services to call reserve forces to active duty for as long as two years. Bush's most contentious move came in the form of a military order approving the use of the military tribunals to put accused terrorists on trial faster and in greater secrecy than a regular criminal court. Obama also has wielded considerable power in secret, upsetting the more liberal wing of his own party. He has carried forward Bush's key anti-terrorism policies and expanded the use of unmanned drone strikes against terrorist targets in Pakistan and Yemen. When a promised immigration overhaul failed in legislation, Obama went part way there simply by ordering that immigrants brought illegally to the United States as children be exempted from deportation and granted work permits if they apply. So, too, the ban on gays serving openly in the military was repealed before the election, followed now by the order lifting the ban on women serving in combat. Those measures did not prove especially contentious. Indeed, the step on immigration is thought to have helped Obama in the election. It may be a different story as the administration moves more forcefully across a range of policy fronts that sat quiet in much of his first term.

#### Second, encroaches upon presidential power

Newton 2012

[Michael A. Newton, 2012, Professor of the Practice of Law, Vanderbilt University Law School, Inadvertent Implications of the War Powers Resolution, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, <http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.pdf>, uwyo//amp]

The history of heated political and legal debates between congressional and executive officials has been well summarized in the literature, and time does not permit undue regurgitation today. The tenor of the political debates and the constitutional passion with which they were framed should not in itself be surprising. This extensive history itself leads to judicial abstention, despite the repeated efforts of congressional leaders to force the federal courts to align themselves with legislative branch equities. In the words of the El-Shifa majority: By asserting the authority to decide questions the Constitution reserves to Congress and the Executive, some would expand judicial power at the expense of the democratically elected branches. And by stretching beyond all precedent the limited category of claims so frivolous as not to involve a federal question, all would permit courts to decide the merits of disputes under the guise of a jurisdictional holding while sidestepping obstacles that are truly jurisdictional.16 The War Powers Resolution fails in the first instance on that level alone, as it seeks to eliminate the healthy inter-branch tensions and debates that should guide the use of American power.

#### Congressional encroachment on the president’s ability to introduce armed forces into hostilities violates the separation of powers and undermines national security

Turner 2012

[Professor Turner holds both professional and academic doctorates from the University of Virginia School of Law, where in 1981 he co-founded the Center for National Security Law with Professor John Norton Moore—who taught the nation’s first course on national security law in 1969. Turner served as chairman of the ABA Standing Committee on Law and National Security from 1989–1992., The War Powers Resolution at 40: Still an Unconstitutional, Unnecessary, and Unwise Fraud That Contributed CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, Directly to the 9/11 Attacks, <http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.pdf>, uwyo//amp]

[T]he War Powers resolution does not work, because it oversteps the constitutional bounds on Congress’ power to control the Armed Forces in situations short of war and because it potentially undermines our ability to effectively defend our national interests. By enabling Congress to require—by its own inaction—the withdrawal of troops from a situation of hostilities, the resolution unduly restricts the authority granted by the Constitution to the President as Commander in Chief. . . . Although portrayed as an effort “to fulfill—not to alter, amend or adjust—the intent of the framers of the U.S. Constitution,” the War Powers Resolution actually expands Congress’ authority beyond the power to declare war to the power to limit troop deployment in situations short of war. . . . The War Powers Resolution therefore threatens not only the delicate balance of power established by the Constitution. potentially undermines America’s ability to effectively defend our national security.46 On February 29, 1996, it was my honor to take part in a debate on Capitol Hill under the sponsorship of the Center for National Security Law on the proposition that the War Powers Resolution should be repealed. I was paired in the affirmative with the late House Judiciary Committee Chairman Henry Hyde, and our opponents were former House Foreign Affairs and Intelligence committees chairman Lee Hamilton and Dr. Louis Fisher of the Library of Congress. As the debate unfolded, I was pleasantly shocked to hear that neither Representative Hamilton nor my old friend Lou Fisher was willing to actually defend the War Powers Resolution. Shortly thereafter, Lou co-authored an article calling for the statute’s repeal,47 and in 2008 Representative Hamilton served on the bipartisan National War Powers Commission, which unanimously concluded that the War Powers Resolution was unconstitutional and should be repealed.48

### Prolif

#### ] Slow and stable

Kidd 10

Steve Kidd, June 8 2010. Head of Strategy & Research at the World Nuclear Association, where he has worked since 1995 [when it was the Uranium Institute]. (“Nuclear proliferation risk - is it vastly overrated?” June 8, 2010 Nuclear Engineering International, Lexis, )

A significant amount of media attention has recently attached itself to the nuclear security meeting convened by US president Barack Obama and the five-yearly review conference for the Treaty on the Non-Proliferation of Nuclear Weapons, which followed soon afterwards. The fear of so-called 'rogue nations' acquiring nuclear weapons, or terrorist organisations creating outrages by misuse of nuclear materials, clearly remains strong. Many column inches also continue to be devoted to various North Korean nuclear activities and to Iran's alleged intentions to pursue a weapons programme. There therefore remains a fear that this may cast a shadow over the nuclear renaissance, particularly as many people clearly believe that nuclear energy and bombs are merely two faces of the same coin. But it is surely not unreasonable to question whether these fears are being substantially inflated and possibly manipulated by various interest groups in order to suit their own purposes. There is, however, no doubt that nuclear materials could conceivably be diverted from a civil nuclear power programme into the production of nuclear weapons or alternatively, major fuel cycle processes (notably enrichment and reprocessing of used fuel) could be employed to produce weapons rather than fuel for civil reactors. Similarly, it is understandable that concerns over the security of civil nuclear facilities have multiplied since the 9/11 terrorist attacks in New York. The possibility of aircraft crashing into such plants has naturally now been raised, as have possible terrorist incursions at plants either to acquire materials for weapons or to misuse the facility to create an explosion or a major radioactive release (see also 'Security since September 11th,' NEI March 2010, pp 14-9]. Rather like the risks of operating nuclear power plants themselves, these possibilities largely boil down to assessing very low probability events which may have big consequences. Human beings are notoriously bad at this and frequently reach what seem to be illogical conclusions. This is highlighted by a recent book by a US academic, John Mueller, Atomic Obsession-Nuclear Alarmism from Hiroshima to Al-Qaeda (ISBN No 978-0195381368). Mueller argues very persuasively (but certainly also controversially) that the impact of nuclear weapons has been substantially overstated both in terms of their likely destructive power (in the hands of any party other than one of the five recognised nuclear weapons states) but also in their real impact on human history since 1945. He emphasizes how slow proliferation of weapons has been in reality, partly because the difficulties of acquiring nuclear materials and developing weapons technology are much greater than commonly stated, but also because all but a few countries have no real interest in acquiring weapons, as they make little sense beyond supposedly increasing national prestige. Similarly, the task of the atomic terrorist is far from simple. If it were as easy as many people claim, why haven't there been any incidents, even when the controls on nuclear materials were far looser than today? And why do terrorist incidents (with the possible exception of the sarin gas attack on the Tokyo subway in 1995) usually involve low tech methods, such as people attaching bombs to themselves or taking over commercial airlines armed with box cutters and then flying them into prominent buildings? There may not be, in reality, any substantive black market in nuclear materials, despite the stories we regularly hear of nuclear trafficking. The comparison sometimes made with narcotic drugs is not reasonable; although drug seizures are known to be the tip of a very large iceberg, controls on the production, trade and transport of nuclear materials are much stiffer and potential buyers are very limited in number. First, security considerations have been addressed by deploying additional armed personnel at facilities and by other measures to prevent incursions, while new nuclear plants are designed with the possibility of an aircraft impact much in mind. Although such events are clearly not impossible, the entire 50-year history of civil nuclear power contains nothing to suggest that the risks are other than very remote. Little can be done other than what has been accomplished already and the risks should certainly not be allowed to dominate the assessment of potential future actions. Indeed, critics of nuclear power are very bad at keeping things in perspective and fail to apply similar degrees of scrutiny to other plans. For example, should football stadiums not be licensed for 80,000 fans, simply because a direct aircraft strike during a game could conceivably kill many thousands? Should the walls of the stadium have to be several metres thick? Proliferation of nuclear materials and technology and their integration into weapons are notably more substantive risks, particularly as they will likely involve sovereign states with their greater resources above those of a terrorist organisation. Critics of nuclear power emphasise that designing a nuclear bomb itself is not particularly difficult (even if, as Mueller emphasises, actually manufacturing and delivering a weapon certainly is). So much of the world anti-proliferation regime is based on controls on fissile materials; if the necessary plutonium or highly enriched uranium is not available either by diversion from civil uses or production in a local facility, a weapon is impossible. It is therefore necessary for nuclear power critics to focus on alleged weaknesses in the international nuclear safeguards regime or in the security of nuclear materials transport, plus the possible spread of enrichment and reprocessing technologies to countries who may have an interest beyond normal civil uses. While there is no room for complacency, the real risks are actually as remote as those associated with nuclear facility security and mean that attempts to stiffen safeguards even further will encounter reasonable objections. Nevertheless, over the past 35 years, the International Atomic Energy Agency's (IAEA) safeguards system under the Nuclear Non-proliferation Treaty (NPT) has been a conspicuous international success in curbing the diversion of civil uranium into military uses. Most countries have indeed renounced nuclear weapons, recognising that possessing of them would threaten rather than enhance national security. They have therefore embraced the NPT as a public commitment to use nuclear materials and technology only for peaceful purposes. Parties to the NPT agree to accept technical safeguards measures applied by the IAEA, complemented by controls on the export of sensitive technology from countries such as UK and USA through voluntary bodies such as the Nuclear Suppliers' Group (NSG). Safeguards require that operators of nuclear facilities maintain and declare detailed accounting records of all movements and transactions involving nuclear material. The aim is to deter the diversion of nuclear material from peaceful use by maximising the risk of early detection. At a broader level they provide assurance to the international community that countries are honouring their treaty commitments to use nuclear materials and facilities exclusively for peaceful purposes. In this way safeguards are a service both to the international community and to individual states, who recognise that it is in their own interest to demonstrate compliance with these commitments. All NPT non-weapons states must accept these full-scope safeguards, while facility-specific safeguards apply in the five weapons states (USA, Russia, UK, France and China) plus the non-NPT states (India, Pakistan and Israel). Iran and North Korea illustrate both the strengths and weaknesses of international safeguards. While accepting safeguards at declared facilities, Iran has allegedly set up equipment elsewhere in an attempt to enrich uranium to weapons grade (see also 'Figuring out Fordow,' NEI March 2010, pp20-2]. North Korea used research reactors (not commercial electricity-generating reactors) and a reprocessing plant to produce some weapons-grade plutonium. The weakness of the NPT regime lies in the fact that no obvious diversion of material has been involved. In both countries, the uranium used as fuel probably came from indigenous sources, and the countries themselves built the nuclear facilities concerned, without being declared or placed under safeguards arrangements. The greatest risk of nuclear weapons proliferation has traditionally rested with countries which have not joined the NPT and which have significant unsafeguarded nuclear activities. India, Pakistan and Israel are in this category. While safeguards apply to some of their activities, others remain beyond scrutiny. A further concern is that countries may develop various sensitive nuclear fuel cycle facilities and research reactors under full NPT safeguards and then subsequently opt out of the NPT. This is the argument for moving to some kind of intrinsic proliferation resistance in the fuel cycle, where there are a number of ideas, previously floated many years ago, which keep on being revamped. One key principle is that the assurance of non-proliferation must be linked to assurance of supply and services in the nuclear fuel cycle to any country embracing nuclear power. Various proposals for fuel banks and multinational fuel cycle centres may aim to guarantee the supply of nuclear fuel and services for bona fide uses, thereby removing the incentive for countries to develop indigenous fuel cycle capabilities. Yet there is clearly a risk here of dividing the world into 'good guys' and 'bad guys,' in a politically discriminatory way. Already, some international fuel cycle proposals have raised the ire of major developing countries like Brazil and South Africa. The real problem is that nuclear non-proliferation and security have powerful lobby groups behind them, largely claiming to have nothing against nuclear power as such, apart from the dangers of misuse of nuclear technology. In fact in Washington DC, home of the US federal government, there is a cottage industry of lobby groups dedicated to this. Those who oppose their scaremongering (and it essentially amounts to no more than this) are castigated as being in the industry's pocket or acting unresponsively to allegedly genuinely expressed public fears. Pointing out that very few new countries will acquire nuclear power by even 2030, and that very few of these will likely express any interest in acquiring enrichment or reprocessing facilities, seems to go completely over their heads. In any case, nuclear fuel cycle technologies are very expensive to acquire and it makes perfect sense to buy nuclear fuel from the existing commercial international supply chain. This already guarantees security of supply, so moves towards international fuel banks are essentially irrelevant, while measures supposedly to increase the proliferation resistance of the fuel cycle are unwarranted, particularly if they impose additional costs on the industry. It is likely that more countries will foolishly choose to acquire nuclear weapons.

#### [3] No threat – weak leadership and no recent attacks

**Zenko and Cohen 12**, \*Fellow in the Center for Preventive Action at the Council on Foreign Relations, \*Fellow at the Century Foundation, (Micah and Michael, "Clear and Present Safety," March/April, Foreign Affairs, www.foreignaffairs.com/articles/137279/micah-zenko-and-michael-a-cohen/clear-and-present-safety

NONE OF this is meant to suggest that the United States faces no major challenges today. Rather, the point is that the problems confronting the country are manageable and pose minimal risks to the lives of the overwhelming majority of Americans. None of them -- separately or in combination -- justifies the alarmist rhetoric of policymakers and politicians or should lead to the conclusion that Americans live in a dangerous world.

Take terrorism. Since 9/11, no security threat has been hyped more. Considering the horrors of that day, that is not surprising. But the result has been a level of fear that is completely out of proportion to both the capabilities of terrorist organizations and the United States' vulnerability. On 9/11, al Qaeda got tragically lucky. Since then, the United States has been preparing for the one percent chance (and likely even less) that it might get lucky again. But al Qaeda lost its safe haven after the U.S.-led invasion of Afghanistan in 2001, and further military, diplomatic, intelligence, and law enforcement efforts have decimated the organization, which has essentially lost whatever ability it once had to seriously threaten the United States.

According to U.S. officials, al Qaeda's leadership has been reduced to two top lieutenants: Ayman al-Zawahiri and his second-in-command, Abu Yahya al-Libi. Panetta has even said that the defeat of al Qaeda is "within reach." The near collapse of the original al Qaeda organization is one reason why, in the decade since 9/11, the U.S. homeland has not suffered any large-scale terrorist assaults. All subsequent attempts have failed or been thwarted, owing in part to the incompetence of their perpetrators. Although there are undoubtedly still some terrorists who wish to kill Americans, their dreams will likely continue to be frustrated by their own limitations and by the intelligence and law enforcement agencies of the United States and its allies.

#### No widespread proliferation

Hymans 12

Jacques Hymans, USC Associate Professor of IR, 4/16/12, North Korea's Lessons for (Not) Building an Atomic Bomb, www.foreignaffairs.com/articles/137408/jacques-e-c-hymans/north-koreas-lessons-for-not-building-an-atomic-bomb?page=show

Washington's miscalculation is not just a product of the difficulties of seeing inside the Hermit Kingdom. It is also a result of the broader tendency to overestimate the pace of global proliferation. For decades, Very Serious People have predicted that strategic weapons are about to spread to every corner of the earth. **Such warnings have routinely proved wrong** - for instance, the intelligence assessments that led to the 2003 invasion of Iraq - but they continue to be issued. In reality, despite the diffusion of the relevant technology and the knowledge for building nuclear weapons, the world has been experiencing a great proliferation slowdown. Nuclear weapons programs around the world are taking much longer to get off the ground - and their failure rate is much higher - than they did during the first 25 years of the nuclear age.

As I explain in my article "Botching the Bomb" in the upcoming issue of Foreign Affairs, the key reason for the great proliferation slowdown is the absence of strong cultures of scientific professionalism in most of the recent crop of would-be nuclear states, which in turn is a consequence of their poorly built political institutions. In such dysfunctional states, the quality of technical workmanship is low, there is little coordination across different technical teams, and technical mistakes lead not to productive learning but instead to finger-pointing and recrimination. **These problems are debilitating**, and **they cannot be fixed** simply by bringing in more imported parts through illicit supply networks. In short, as a struggling proliferator, North Korea has a lot of company.